

Walter O'Cheskey
Chapter 13 Trustee
6308 Iola Avenue,
Lubbock TX 79424
(806) 748-1980
(806) 748-1956 FAX
MTCO MORTCLMOBJ

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:
DANNY LEE SNOW
JULIE LYNN SNOW

CASE NO: 09-70289-HDH-13
DATE: September 24, 2009
HEARING DATE: 01/28/2009 AT 11:00 AM

**TRUSTEE'S OBJECTION TO THE CLAIM OF NATIONAL CITY MORTGAGE (CLERK'S CLAIM NO. 05)
SECURED BY A LIEN ON DEBTOR(S) RESIDENCE AND TO BE PAID BY THE TRUSTEE**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and filed this Trustee's Objection to the claim of NATIONAL CITY MORTGAGE (Clerk's Claim No. 05) Secured by a Lien on Debtor(s) Residence and to the be Paid by the Trustee on the above referenced Chapter 13 case, and would respectfully show the Court the following:

1. Debtor(s) filed for relief on June 11, 2009.
2. Debtor(s) scheduled a claim secured by a lien on debtor(s) residence. Debtor(s) plan provides for payment of all, or a portion of said claim, through the plan and by the Trustee.
3. Claimant NATIONAL CITY MORTGAGE, filed its proof of claim (clerk's claim no. 05) on 06/24/2009.
4. Trustee objects to said claim for on or more of the following grounds (as indicated by X):
 - ☒ Documents Supporting a perfected security agreement were not attached to the proof of claim or were deficient in the following particulars:
 - ☐ No documents were attached,
 - ☐ Attached documents were illegible,
 - ☒ Attached documents did not evidence perfection (i.e. Clerk's filing notation),
 - ☐ Attached documents fail to show claimant is the holder of the note and indebtedness.
 - ☐ Failure to provide an itemization of all pre-petition fees, costs and/or other charges included in the claim.
 - ☐ The claim includes flat fees for review of the Chapter 13 Plan preparation of the proof of claim that are unreasonable and/or do not fairly reflect the work or services involved.
 - ☐ Other:

WHEREFORE, the Trustee prays that the Bankruptcy Court Disallow said claim and for such other relief to which this bankruptcy estate may be justly entitled.

Respectfully submitted,

Date: September 24, 2009

/S/ Walter O'Cheskey
Walter O'Cheskey, Chapter 13 Trustee

NOTICE OF HEARING

A HEARING WILL BE HELD 01/28/2009 AT 11:00 AM AT THE FOLLOWING ADDRESS:

FOR LIVE COURT
US COURTHOUSE ROOM 222
10TH & LAMAR STREETS
WICHITA FALLS, TEXAS 763011234

FOR VIDEO COURT
US COURTHOUSE ROOM 208
10TH & LAMAR STREETS
WICHITA FALLS, TEXAS 763011234

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's Objection to Claim and Notice of Hearing were this date served on the following parties at the addresses listed below by either electronic service or by U.S. First Class Mail:

Dated: September 24, 2009

/s/ Walter OCheskey
Office of Walter O'Cheskey, Chapter 13 Trustee

DEBTOR ATTORNEY
MONTE J WHITE
ATTORNEY AT LAW
1106 BROOK AVE HAMILTON PLACE
WICHITA FALLS TX 76301-0000

UNITED STATES TRUSTEE
WILLIAM T. NEARY
1100 COMMERCE STREET RM 9C60
DALLAS TX 75242

DEBTOR1
DANNY LEE SNOW
PO BOX 116
ARCHER CITY TX 76351

DEBTOR 2
JULIE LYNN SNOW
PO BOX 116
ARCHER CITY TX 76351

NATIONAL CITY MORTGAGE
3232 NEWMARK DRIVE
MIAMISBURG OH 45342-0000